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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION**

In re:

THE LITIGATION PRACTICE GROUP, P.C.,

Debtor.

Chapter 11

Case No. 8:23-bk-10571-SC

**RESERVATION OF RIGHTS
REGARDING TRUSTEE'S MOTIONS
TO SURCHARGE SECURED
CREDITORS**

Hearing Date and Time [ECF 1238]

Date: June 12, 2024

Time: 1:30 p.m.

Location: Courtroom 5C and *Via ZoomGov*

Hearing Date and Time [ECF 1242]

Date: June 13, 2024

Time: 10:00 a.m.

Location: Courtroom 5C and *Via ZoomGov*

OHP-CDR, LP (“OHP-CDR”) and PurchaseCo80, LLC (“PurchaseCo”) file this reservation of rights (“Reservation of Rights”) to the motions to surcharge secured creditors [ECF 1238, 1242] (“Motions”). Through the Motions, the chapter 11 trustee (“Trustee”) seeks an order surcharging secured creditors’ collateral under Bankruptcy Code section 506(c) to pay: (i) \$114,525.00 in fees and expenses to four attorneys that “covered client files in the states of Arkansas, New Mexico, Pennsylvania, Georgia, and Missouri;” and (ii) up to \$1,112,762.90 in post-petition loans.

OHP-CDR is a secured creditor and PurchaseCo owns a substantial number of the Debtor’s receivables. OHP-CDR has filed a proof of claim, which is on the Claims Register as Claim No. 44. PurchaseCo has filed a complaint for declaratory judgment that it owns the debtor’s receivables associated with a number, but not all, of the contracts the Trustee has assigned to Morning Law Group. *OHP-CDR, LP et al. v. Richard A. Marshack, et al.*, Adv. Proc. No. 8:23-ap-01098-SC.

OHP-CDR does not object to the Motions. OHP-CDR, however, reserves the right to object to any future requests by the Trustee to surcharge collateral on any grounds.

Moreover, PurchaseCo does not object to the Motions to the extent that there are sufficient sale proceeds to pay the amounts requested in the Motions that are not receivables owned by PurchaseCo. PurchaseCo reserves all rights in connection with any future motions by the Trustee to the extent that the Trustee seeks authority to use property that belongs to PurchaseCo. To be clear, PurchaseCo does not consent to this surcharge if such “collateral” constitutes the receivables acquired prepetition by PurchaseCo, but this Motion does not seek such authority and there appear to be receivables not owned by PurchaseCo sufficient to satisfy this surcharge request. *See, e.g., In re Solis*, 356 B.R. 398, 412-13 (Bankr. S.D. Tex. 2006) (stating that section 506 does not apply to property that is “not property of the estate”).

1 DATED: May 29, 2024

Respectfully submitted,

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By /s/ Razmig Y. Izakelian
Razmig Y. Izakelian

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*Attorneys for OHP-CDR, LP and PurchaseCo 80,
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

865 S. Figueroa Street, 10th Floor, Los Angeles, CA 90017

A true and correct copy of the foregoing document entitled (*specify*): RESERVATION OF RIGHTS REGARDING TRUSTEE'S MOTIONS TO SURCHARGE SECURED CREDITORS

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) May 29, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

5/29/24
Date

Razmig Y. Izakelian
Printed Name

/s/ Razmig Y. Izakelian
Signature

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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